



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,439	04/10/2000	Mikael Linden	442-009325-US(PAR)	3336

7590  
Perman & Green  
425 Post Road  
Fairfield, CT 06430

04/27/2007

EXAMINER
----------

HENEGHAN, MATTHEW E

ART UNIT	PAPER NUMBER
----------	--------------

2134

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/546,439

Applicant(s)

LINDEN ET AL.

Examiner

Matthew Heneghan

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-12,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-12,17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 February 2007 has been entered.

2. In response to the previous office action, Applicant has amended claims 1, 9, and 12. Claims 1, 2, 5-12, 17, and 18 have been examined.

### ***Claim Objections***

3. Claims 1 and 9 are objected to because of the following informalities: The term "the restricted library" in claim 1, line 15 and claim 9, line 17. It is being presumed that this refers to "a restricted library" as recited later in each claim. Appropriate correction is required.

### ***Response to Amendment***

4. The amendment filed 13 February 2007 appears to incorporate new matter into the claims. Applicant has not stated where support for the new limitations in the claims may be found in the original disclosure.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 2, 5-11, 17, and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1 and 9, the initiating of downloading of the driver in response to a response from the external unit lacks support in the original disclosure.

Claims 2, 5-8, 10, 11, 17, and 18 depend from rejected claims 1 and 9, and include all the limitations of those claims, thereby rendering those dependent claims as failing to comply with the written description requirement.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 5, 8, 9, 11, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,935,249 to Stern et al.

As per claims 1, 9, and 12, Stern discloses the use of a computer (the external unit) connected to a Java Enabled Network Device (the network element) that downloads drivers such as Java applets from a server and only implements those that are determined by the standard Java libraries to have valid digital signatures before being made available to the computer (see column 10, lines 29-48 and figure 7). The Network Interface contains the restricted libraries, which are governed by license-oriented tokens (see column 11, lines 1-12) to which drivers may be sent and executed. The local Java applet is playing the role of a proxy for the server, responding to specific requests of the server as if they had gone over the network and returned from the server (see column 10, lines 49-52). The network connections conform to the OSI Data Layer Model (see column 1, lines 20-22), wherein the format of a transmission is inherently modified at various transmission layers. Java is a type of Application Programming Interface. Since the device sends a request for such objects to a network

server, the network address inherently must be sent as part of the request (the address is in Destination address of the Request packets; the server must also have an address to which it should send a reply) (see column 11, lines 13-31). Upon the booting of the network element, a signal may be sent to the computer demanding user authentication, resulting in the transmission of a user cryptographic key to the computer, enabling use of the network element by the user, such as download requests (see column 13, lines 52-57). Tokens (drivers), embodied as applets, requested may also be installed on the network element itself, controlling and monitoring traffic between the computer and the server (see column 9, lines 17-24 and 42-48). This affects data being through the driver.

Regarding claim 5, functional Java applets are inherently transmitted in their compiled form as byte-oriented tokens.

Regarding claim 8, a Java applet that is listening to IP traffic must necessarily receive data in a particular format.

Regarding claim 11, the Network Device may store objects for use by clients (see column 12, lines 12-18); in that embodiment, it constitutes a server.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 6, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,935,249 to Stern et al.

Regarding claims 2 and 10, Stern does disclose the use of a portable computer, but does not disclose the use of wireless connections.

Official notice is given that it is well-known in the art to employ wireless networking with portable computers, in order to provide greater mobility.

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Stern by using wireless networking, as is well-known in the art, in order to provide greater mobility.

Regarding claims 6 and 7, Stern discloses that a signature must be associated with a particular vendor or application provider, but does not disclose the use of a character string signifying that vendor in the signature generation. Stern further discloses the use of hashes using a manufacturer's key for signature generation (see column 6, lines 3-23).

Official notice is given that the use of character strings as identifying information is well-known in the art, as strings may be used to uniquely identify a sender.

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to use character strings as identifying information in digital signatures, as is well-known in the art, in order to uniquely identify a sender.

8. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,935,249 to Stern et al. as applied to claims 1 and 9 and further in view of U.S. Patent No. 6,157,966 to Montgomery et al.

Stern does not disclose what kind of system the host computer is.

Montgomery discloses the use of smart cards as computers for storing programs and executing them using its microcontroller via a terminal (see column 1, line 55 to column 2, line 19) and further notes that this allows for smart cards to be used for such applications as electronic games (see column 1, lines 13-20).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to implement the invention of Stern by using a smart card as the host computer, as disclosed by Montgomery, as this allows for smart cards to be used for such applications as electronic games using its own microcontroller.

### ***Response to Arguments***

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the modified ground(s) of rejection in view of Applicant's amendments.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is



Art Unit: 2134

(571) 272-3834. The examiner can normally be reached on Monday-Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand, can be reached at (571) 272-3811.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

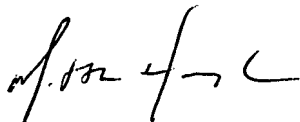
(571) 273-3800

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MEH

April 25, 2007



Matthew Heneghan, USPTO Art Unit 2134